

REMARKS

Claims 1-31 are pending in the application. Claims 1-27 are withdrawn. Claims 29-30 are allowed and claims 28 and 31 are rejected.

Claim and 31 is amended to clarify the claimed invention. No new matter has been entered.

The Interview

An interview was conducted in this case on June 7, 2007. The Examiner, was provided, admittedly belatedly, an interview agenda (sent approximately ½ hour prior to the interview). However, despite the agenda, and the appointment for the interview having been made over a week in advance, the Examiner refused to discuss the merits of the case, the proposed amendments or anything involving this matter. This refusal amounted to a tremendous waste of time and money for both the undersigned and the applicant. What was most astounding was the Examiner's statement that this application was too long and had been pending for too long a time period for him to give the application any review prior to the interview. Despite stating that he had spend some two hours prior to the interview studying the case, the Examiner was unfamiliar with the total of 4 pending claims, the most recent office action, the cited references, and refused to discuss any matters concerning this case. While this action was a final and the Examiner need not grant an interview as a matter of right to the application, once agreeing to do so, proper preparation and review of the requisite materials is the least that can be expected.

The Rejections

Claim 28 is rejected under 35 U.S.C. § 102(e) Hamabe (U.S. 6,405,021).

In the response to arguments section of the final office action it is asserted that the instant specification teaches that transmitting power control is executed in accordance with a signal received from the mobile station but does not teach “the updating occurs before transmitting power control is executed in accordance with a signal received from the mobile station. The Examiner’s attention is directed to the sixth embodiment of the invention and Figs. 14 and 15. The specification teaches that the controlling part 41 in the base station controller 40 executes the arithmetic operation represented by the formula $Pt2 = Pt1 + (Lur1 - Lur2)$ for the level $Lur2$ contained in this upstream reception level notice, the level $Lur1$ and the value $Pt1$ of the transmitting power, and determines the initial value $Pt2$ of the transmitting power to be applied to the start of the transmission of a new channel. Further, as mentioned on page 54, “the procedures of the processing executed by each part while keeping cooperation with one another after the start of the transmission of the new channel is the same as that of the first to fifth embodiments, and its explained is omitted,” that is transmitting power control is similar to that shown in Fig.13. Thus the mobile base station 42-2 updates the initial value before starting transmission and then executes power control. Accordingly, it is submitted that support for the limitation of updating the initial value of transmitting power occurs before transmitting power control is executed in accordance with a signal received from the mobile station can be found in the specification. Further it is submitted the Hamabe does not teach such features, and claim 28 patentably distinguishes over the reference for at least this reason.

Claim 31 is rejected under 35 U.S.C. § 102(e) as anticipated by Sendonaris et al. (U.S. 6,085,106) (Sendonaris).

As amended, claim 31 recites a mobile communication system which measures at the mobile station the reception state of the downstream signals received from the local base station

and the peripheral base station. This is the state notice information. In contrast, Sendonaris teaches a searcher in the base station that monitors upstream signals received from the mobile station. Moreover, in general, searchers are devices that search a path and obtain multi-path profiles by monitoring receiving signals, and are not intended to monitor receiving conditions like the present invention, as claimed in claim 31. (a picture showing this distinction is shown in Attachment 1). Further, Sendonaris does not disclose the state notice information which indicates receiving conditions measured by the mobile station as recited in the claim.

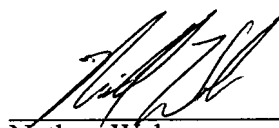
Because Sendonaris does not teach each and every feature of applicant's claim 31 it is respectfully requested the rejection be withdrawn.

Conclusion

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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